

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE, WESTERN DIVISION

DARREL K. THOMPSON, WILLIAM T. HOLT
(deceased), LEATHA J. HOLT (next of kin), and
NEWAIR MANUFACTURING, LLC,

Plaintiffs

v.

MEDTRONIC, INC., MEDTRONIC PUBLIC
LIMITED COMPANY, MEDTRONIC USA, INC.,
STRYKER CORPORATION, PHYSIO-CONTROL
INTERNATIONAL, INC., PHYSIO-CONTROL
MANUFACTURING, INC., JOLIFE AB, and BAIN
CAPITAL, INC.,

Defendants.

No. 2:19-cv-2038-JPM-tmp

Plaintiffs' Response to Show Cause (Doc. 58) and Motion for Voluntary Dismissal of Bain Capital, Inc.

On October 23, 2020, this Court entered an ORDER for Plaintiffs to show cause on why this Court should not enter an order dismissing the case as to the Bain Capital, Inc., defendant without prejudice. (ECF No. 58). Counsel for the Plaintiffs has attempted to serve Bain Capital, Inc. Counsel for Plaintiffs has not properly served the Bain Capital, Inc., defendant in the present matter.

Plaintiffs, by and through Counsel, move the Court pursuant to Fed. R. Civ. P. 41 for voluntary dismissal of the action against the Bain Capital, Inc., defendant without prejudice. In support, the Plaintiffs would state that Defendant Bain Capital, Inc., has not made an appearance in this action and has not been served with process.

Respectfully submitted,

/s/ John Tennyson

John Tennyson (BPR No. 32777)

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Certificate of Service

On this the 3 day of November, 2020, I hereby certify that a copy of the foregoing has been served on all Parties of record via this Court's CM/ECF filing system.

/s/ John Tennyson

John Tennyson